

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

NANCY BOCCHINO,

Plaintiff

Index No.:

Date Summons Filed: May 18th, 2021

-against-

**SUMMONS WITH
COMPLAINT**

HOME DEPOT U.S.A., INC,

Plaintiff designates Kings
as the place of trial

Defendant.

The basis of venue is CPLR §
503

Plaintiff resides at:
2214 West 5th Street
Brooklyn, NY 11223

To the above-named Defendant(s):

YOU ARE HEREBY SUMMONED to answer the verified complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

To: HOME DEPOT U.S.A., INC.
c/o CORPORATION SERVICE COMPANY
80 STATE STREET
ALBANY, NEW YORK, 12207-2543

**SUPREME COURT OF THE STATE OF NEW YORK
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NANCY BOCCHINO,

Plaintiff

-against-

Index No.:

HOME DEPOT U.S.A., INC,

Defendant.

Plaintiff, NANCY BOCCHINO ("Nancy"), by her attorneys Turturro Law, P.C., as and for her Verified Complaint against the defendant, HOME DEPOT U.S.A., INC, alleges the following:

AS AND FOR A FIRST CAUSE OF ACTION

1. The plaintiff Nancy is a resident in the county of Kings within the State of New York.
2. Defendant HOME DEPOT U.S.A., INC ("Defendant") is a foreign business corporation, which upon information and belief, owns, manages, operates, controls and is otherwise responsible for the Home Depot retail store located at 2970 Cropsey Ave, Brooklyn, NY 11214. Upon information and belief Home Depot owns, manages, operates, controls and is responsible for the maintenance of the parking lot, which is located in front of this Home Depot location and directly abuts the aforementioned Home Depot ("Premises").

3. Defendant was under a duty to manage the Premises pavement.
4. Defendant was under a duty to maintain the Premises pavement.
5. Defendant, its agents, servants, and employees did, in fact, manage the Premises pavement.
6. Defendant, its agents, servants, and employees, did, in fact, maintain the Premises pavement.
7. Defendant, its agents, servants, and/or employees were under a duty to control, manage, maintain and/or inspect the Premises pavement and all its appurtenances.
8. Defendant caused, or received, upon information and belief, actual and/or constructive notice of a particular defect in the Premises pavement near the entrance of the Premises more particularly depicted in **Exhibit A** annexed to this Complaint.

TIME PLACE MANNER

9. The claim arose on or about November 11, 2020, around 4pm.
10. While lawfully walking on the Premises pavement heading after loading her vehicle with items purchased at the Home Depot location first mentioned above, Plaintiff was caused to trip and fall as a result of a defect in the Premises pavement that was more than two inches deep, approximately one and one-half feet long and half of one foot wide - the location more particularly identified in the color photo attached hereto **Exhibit A**.
11. On or about November 11, 2020, the dangerous and unsafe conditions identified herein caused the Plaintiff to trip and fall forward causing Plaintiff to sustain and suffer physical injuries to her hand and right knee, including, but not limited to

having to undergo a total knee replacement in January 2021.

12. The Defendant was negligent, among other reasons, in permitting and allowing the Premises pavement to become dangerous, and improperly maintained; by permitting a hazardous, unsafe and dangerous condition to exist in aforementioned location, despite having upon information and belief written and constructive notice thereof; in violating the mandates of the New York State and New York City Codes, Rules, Regulations, Ordinances, Statutes and Laws; and in otherwise being careless and negligent under the circumstances.
13. This is a claim for the recovery of monetary damages for the serious and permanent personal injuries including, but not limited to, past and future pain and suffering, missed work, medical expenses, permanent loss of use of motion and rotation of the right knee and possible future arthritis and subsequent surgery on the right knee. All injuries are claimed to be permanent.

WHEREFORE, Plaintiff demands judgment against the Defendant in an amount that exceeds the threshold of the lower court, to be determined at trial, together with the costs and disbursements of this action.

Dated: Brooklyn, New York
January 27, 2021

Respectfully Submitted,
TURTURRO LAW, P.C.

BY: /s/ Natraj S. Bhushan

1602 McDonald Avenue,
Brooklyn, NY 11230
Tel.: 718-384-2323
Email: Natraj@turturrolawpc.com
Attorneys for Plaintiff

VERIFICATION

STATE OF NEW YORK)

COUNTY OF KINGS)

NANCY BOCCHINO, being duly sworn, deposes and says:


I am the plaintiff in this entitled action. I have read the foregoing VERIFIED COMPLAINT and know the contents thereof, and upon information and belief, deponent believes the matters alleged therein to be true.

Dated: Brooklyn, New York
May 18th, 2021



NANCY BOCCHINO

Sworn to before me this 18th day of ~~January~~ May, 2021



Notary Public

Natraj S. Bhushan
Notary Public - State of New York
No. 02BH6264129
Qualified in Kings County
My Commission Expires 09/18/2024

EXHIBIT A





